

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

CARROLL INDEPENDENT SCHOOL
DISTRICT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
EDUCATION, *et al.*,

Defendants.

Case No. 4:24-cv-00461-O
District Judge Reed O'Connor

Oral Argument Requested

**DEFENDANTS' RESPONSE TO MOTION TO DELAY EFFECTIVE
DATE AND FOR PRELIMINARY INJUNCTION**

Defendants United States Department of Education; Miguel Cardona, in his official capacity as Secretary of Education; Catherine Lhamon, in her official capacity as Assistant Secretary for Civil Rights, Department of Education; United States Department of Justice; Merrick B. Garland, in his official capacity as Attorney General of the United States; and Kristen Clarke, in her official capacity as Assistant Attorney General for the Civil Rights Division of the United States Department of Justice (together "Defendants") respectfully submit this response to Plaintiff's Motion To Delay Effective Date and for Preliminary Injunction. To secure a preliminary injunction, Plaintiff must show: "a substantial likelihood of success on the merits," "a substantial threat of irreparable injury," "that the threatened injury if the injunction is denied outweighs any harm that will result if the injunction is granted," and "that the grant of an injunction will not disserve the public interest." *Jordan v. Fisher*, 823 F.3d 805, 809 (5th Cir. 2016) (citation omitted). "A preliminary injunction is an extraordinary remedy never awarded as of right," *Winter v. Nat.*

Res. Def. Council, Inc., 555 U.S. 7, 24 (2008), and “should only be granted when the movant has clearly carried the burden of persuasion,” *Anderson v. Jackson*, 556 F.3d 351, 360 (5th Cir. 2009). Where a stay of agency action under 5 U.S.C. § 705 is available as a form of relief, “[t]he factors governing issuance of a preliminary injunction also govern issuance of a § 705 stay.” *Dist. of Columbia v. USDA*, 444 F. Supp. 3d 1, 15 (D.D.C. 2020) (citing *Cuomo v. U.S. Nuclear Regulatory Comm’n*, 772 F.2d 972, 974 (D.C. Cir. 1985)). As Defendants explain in the accompanying brief in support of their response, Plaintiff has not satisfied its burden and demonstrated an entitlement to preliminary relief. Accordingly, Defendants oppose Plaintiff’s Motion To Delay Effective Date and for Preliminary Injunction.

Dated: June 20, 2024

Respectfully submitted,

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/s/ Elizabeth Tulis

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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2024, I electronically filed this document with the Court by using the CM/ECF system, and that this document was distributed via the Court's CM/ECF system.

/s/ Elizabeth Tulis